

**SENATE JOURNAL
65TH LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 25, 2017

Senate Chambers
State Capitol

Senate convened at 10:30 a.m. President Sales presiding. Invocation by Senator Thomas. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Hoven excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

4/25/2017

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-first through the eightieth legislative days, find the same to be correct.

Correctly printed: **HB 226**.

Correctly engrossed: **HB 586**.

Correctly enrolled: **SB 26, SB 123, SB 138, SB 172, SB 177, SB 183, SB 321, SB 339, SJ 6, SJ 11, SJ 16**.

Examined by the sponsor and found to be correct: **SB 11, SB 15, SB 22, SB 24, SB 26, SB 30, SB 57, SB 138, SB 140, SB 160, SB 166, SB 183, SB 235, SB 276, SB 302, SB 303, SB 321, SB 324, SB 336, SB 339, SB 342, SB 362, SB 372, SJ 6, SJ 11, SJ 16**.

Transmitted to the House: **HB 294**.

Signed by the President at 12:30 p.m., April 24, 2017: **SB 345**.

Signed by the Secretary of the Senate at 7:10 a.m., April 25, 2017: **SB 345**.

Delivered to the Governor at 8:30 a.m., April 25, 2017: **SB 270**.

Delivered to the Governor at 4:59 p.m., April 25, 2017: **SB 184**.

Delivered to the Secretary of State at 10:17 a.m., April 25, 2017: **SJ 15**.

MESSAGES FROM THE GOVERNOR

April 24, 2017

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear President Sales:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 314** (SB 314), "AN ACT GENERALLY REVISING LAWS GOVERNING OPERATION OF MOTORCYCLES AND QUADRICYCLES; EXEMPTING A MOTORCYCLE OR QUADRICYCLE THAT IS NOT BEING

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

OPERATED ON A PAVED HIGHWAY FROM CERTAIN EQUIPMENT AND OPERATION REQUIREMENTS; PROVIDING THAT A DRIVER'S LICENSE IS NOT REQUIRED TO OPERATE A MOTORCYCLE OR QUADRICYCLE ON AN UNPAVED HIGHWAY; ALLOWING A PERSON UNDER 12 YEARS OF AGE TO OPERATE A MOTORCYCLE OR QUADRICYCLE UNDER CERTAIN CIRCUMSTANCES; REQUIRING REASONABLE AND PRUDENT OPERATION OF A MOTORCYCLE OR QUADRICYCLE AT ALL TIMES; PROVIDING EXCEPTIONS FROM OPERATION AND EQUIPMENT REQUIREMENTS FOR QUADRICYCLES BEING OPERATED FOR AGRICULTURAL PURPOSES; AND AMENDING SECTIONS 23-2-824, 61-8-359, 61-9-101, AND 61-9-109, MCA."

SB 314 makes common sense changes to laws that govern the operation of motorcycles and four-wheelers. The bill currently does not specify an effective date. For Montanans and their families to take advantage of the new changes as soon as possible, I am returning SB 314 with amendments for an immediate effective date.

I respectfully ask that you support these amendments.

Sincerely,

STEVE BULLOCK
Governor

Amendments to Senate Bill No. 314
Reference Copy
Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 24, 2017 (7:03am)

1. Title, line 12.

Strike: "AND"

2. Title, line 13.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5, line 5.

Insert: "NEW SECTION. Section 5. {standard} Effective date.
[This act] is effective on passage and approval."

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/24/2017

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

SB 198, introduced by M. Caferro
SB 199, introduced by M. Caferro
SB 233, introduced by M. Caferro
SB 250, introduced by N. Swandal
SB 309, introduced by L. Whitford
SB 310, introduced by L. Whitford

Senate joint resolutions concurred in and returned to the Senate: 4/24/2017

SJ 3, introduced by C. Wolken
SJ 9, introduced by M. Phillips
SJ 20, introduced by J. Small
SJ 21, introduced by D. Sands
SJ 27, introduced by G. Vance

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/24/2017

SB 168, introduced by S. Malek

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments: 4/24/2017

SJ 5, introduced by M. Phillips

House joint resolutions passed and transmitted to the Senate for concurrence: 4/24/2017

HJ 41, introduced by K. Kelker
HJ 42, introduced by N. McConnell

HB 198 - The House failed to concur in Governor's amendments to **HB 198**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Governor's amendments to **HB 198**: 4/24/2017

Representative Bartel
Representative Curtis
Representative Wagoner

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 41, introduced by K. Kelker, referred to Judiciary.
HJ 42, introduced by N. McConnell, referred to Business, Labor, and Economic Affairs.

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 226 - Senator Blasdel moved **HB 226** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 37

Nays: Barrett, Boland, Caferro, Cohenour, Gross, Hinkle, MacDonald, McClafferty, Phillips, Pomnichowski, Tempel, Mr.President.

Total 12

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 47

Nays: Barrett, Pomnichowski.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Excused: Hoven.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 363, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Howard, Jones, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Whitford, Wolken, Mr.President.

Total 39

Nays: Brown, Fielder, Hinebauch, Hinkle, Kary, Lang, Regier, Richmond, Webb, Welborn.

Total 10

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

SB 366, Free Conference Committee Report No. 2, adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Webb, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 294, concurred in as follows:

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 31

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 18

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 562, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 33

Nays: Barrett, Boland, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich.

Total 16

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 133, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Whitford, Wolken.

Total 37

Nays: Blasdel, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Lang, Olszewski, Smith C, Vance, Welborn, Mr.President.

Total 12

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 387, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 33

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Regier, Smith C, Vance, Vincent, Webb, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 434, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Regier.

Total 1

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 103, as amended by the Governor, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick,

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 32

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Keenan, Lang, Moore, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 17

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 209, as amended by the Governor, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.

Total 40

Nays: Fielder, Hinebauch, Hinkle, Howard, Keenan, Smith C, Swandal, Vance, Webb.

Total 9

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

HB 360, as amended by the Governor, concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Smith F.

Total 1

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Absent or not voting: None.

Total 0

Excused: Hoven.

Total 1

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee on **HB 198**. Without objection, so ordered. President Sales appointed Senator Brown, chair, and Senators Buttrey and Wolken.

ANNOUNCEMENTS

Majority Leader Thomas move the Senate recess until 1:00 p.m. this day. Motion carried. Senate recessed at 10:43 a.m.

Senate reconvened at 1:00 p.m. President Sales presiding. Forty-seven members present, Senators Hoven, Moore, and Fielder excused.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 368**
Report No. 001, April 25, 2017

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 368** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 368** (reference copy -- salmon) be amended as follows:

1. Page 9, line 5.

Strike: "ATTORNEY GENERAL"

Insert: "commissioner"

2. Page 9, line 6 through line 10.

Strike: "AN AGREEMENT" on line 6 through "THIS SECTION." on line 10

3. Page 9, line 20.

Strike: "AND"

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

4. Page 9, line 25.

Following: "chapter"

Insert: "; and

(5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter"

5. Page 12, line 18.

Following: "MEDIATOR"

Insert: "from the list"

For the Senate:

Richmond, Chair
Sesso
Thomas

For the House:

Manzella, Vice Chair
Bennett
Mandeville

FREE CONFERENCE COMMITTEE
on **House Bill 639**
Report No. 001, April 25, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 639** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 639** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.

Following: "CENTER;"

Insert: "ESTABLISHING A TEMPORARY COMMUNITY BENEFIT ASSESSMENT FOR CERTAIN HOSPITALS;"

2. Title, page 1, line 9.

Following: "PROVIDING"

Strike: "AN"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

3. Page 2.

Following: line 16

Insert: "NEW SECTION. Section 4. Hospital community benefit assessment. (1) A hospital shall pay to the department of public health and human services a hospital community benefit assessment no later than June 29 of fiscal years 2017, 2018, and 2019. All proceeds from the assessment must be deposited into the general fund.

(2) For purposes of this section, "hospital" means a facility licensed as a hospital

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

pursuant to Title 50, chapter 5, and does not include a critical access hospital, a children's psychiatric hospital, or the Montana state hospital.

(3) The following amounts are imposed as the annual community benefit assessment:

- (a) for Advanced Care Hospital in Billings, \$122,000;
- (b) for Benefis Health System in Great Falls, \$696,600;
- (c) for Billings Clinic, \$835,300;
- (d) for Bozeman Health Big Sky Medical Center, \$2,900;
- (e) for Bozeman Health, \$242,000;
- (f) for Community Medical Center in Missoula, \$278,000;
- (g) for Great Falls Clinic Medical Center, \$16,790;
- (h) for Health Center Northwest, \$19,100;
- (i) for Kalispell Regional Medical Center, \$420,180;
- (j) for Northern Montana Hospital in Havre, \$51,400;
- (k) for St. James Healthcare in Butte, \$139,900;
- (l) for Providence St. Patrick Hospital in Missoula, \$534,200;
- (m) for St. Peter's Hospital in Helena, \$345,225; and
- (n) for St. Vincent Healthcare in Billings, \$647,180."

Renumber: subsequent sections

4. Page 4.

Following: line 27

Insert: "COORDINATION SECTION. Section 9. Coordination instruction. If both [this act] and House Bill No. 2 are passed and approved, then the following line item is inserted in Section B of House Bill No. 2 under "Director's Office":

"b. Tracking Operational and Performance Program Measures (OTO/Biennial)
\$100,000 [General Fund FY 2018] \$100,000 [Federal Special Revenue FY 2018]
\$100,000 [General Fund FY 2019] \$100,000 [Federal Special Revenue FY 2019]."

Insert: "COORDINATION SECTION. Section 10. Coordination instruction. If both [this act] and House Bill No. 2 are passed and approved, then the following language must be inserted in Section B of House Bill No. 2 under "Department of Public Health and Human Services":

"Tracking Operational and Performance Program Measures must be utilized for the analysis and creation of a metrics-based blueprint for select department of public health and human service programs, with a primary focus on the child and family services division and a specified initiative identified as having a high impact on the health of Montanans, and for the department to track operational and program performance measures related to the following:

- (1) improved health of women and children, including:
 - (a) proportion of women smoking during pregnancy;
 - (b) proportion of pregnant women who report entering prenatal care in the first trimester;
 - (c) proportion of pregnant women receiving medicaid services who report entering prenatal care in the first trimester;
 - (d) proportion of high school students using tobacco products or nicotine products in the past 30 days;
- (2) improved health of medicaid members, including the proportion of medicaid members receiving preventative services;

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

(3) operational efficiencies, including:
(a) proportion of payments issued electronically; and
(b) proportion of help desk tickets to technologically support the workforce; and
(4) the efficacy of the protect Montana kids commission proposals that were enacted by the 65th legislature."

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If both [this act] and House Bill No. 2 are passed and approved, then the general fund appropriation to the department of public health and human services under "Human and Community Services Division" in Section B of House Bill No. 2 must be increased from \$33,087,934 to \$36,087,934 in the fiscal year beginning July 1, 2017, and increased from \$33,049,762 to \$36,049,762 in the fiscal year beginning July 1, 2018."

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If both [this act] and House Bill No. 2 are passed and approved, then the following language must be inserted in Section B of House Bill No. 2 under "Human and Community Services Division":

The increased appropriations provided in [section 11 of House Bill No. 639] to the Stars to Quality Program are one time only and are not to be included in the base in the 2021 budget planning process. The increased appropriations are to expand the program and increase access to preschool for 4- and 5-year-old children. The department shall use the money to create and support pilot programs to test multiple delivery models, including public programs, private programs, and mixed delivery programs through public-private partnerships. The department may use funds to support preschool programs, including startup and training costs. In establishing the pilot programs, the department shall ensure that pilot programs are included in programs in rural and urban areas. The department shall file a report with the 2019 legislature and present the report to the education and local government committee, the legislative finance committee, and the children, families, health, and human services committee by September 1, 2018. The report must:

(1) address the demand for programs and the impact on current providers, with a specific focus on rural communities;
(2) evaluate the benefits and disadvantages of various delivery models;
(3) analyze advancements in kindergarten readiness for children participating in the programs; and
(4) make recommendations for the program."

Insert: "NEW SECTION. Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

5. Page 4, line 29.

Strike: section 8 in its entirety

Insert: "NEW SECTION. Section 14. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2017.

(2) [Section 4] and this section are effective on passage and approval."

Insert: "NEW SECTION. Section 15. Termination. [Section 4] terminates June 30, 2019."

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

For the Senate:

L. Jones, Chair
Moore
Sesso

For the House:

Ballance, Vice Chair
Cook
Ryan

MESSAGES FROM THE OTHER HOUSE

Senate joint resolutions concurred in and returned to the Senate: 4/25/2017

SJ 23, introduced by F. Thomas

SJ 25, introduced by R. Webb

Governor's amendments to Senate bills concurred in and returned to the Senate: 4/25/2017

SB 127, introduced by M. Moe

SB 155, introduced by M. Lang

SB 189, introduced by K. Regier

House joint resolutions passed and transmitted to the Senate for concurrence: 4/25/2017

HJ 33, introduced by B. Bennett

HJ 43, introduced by K. White

Governor's amendments to House bills concurred in and transmitted to the Senate for
concurrence in the Governor's amendments:

4/25/2017

HB 209, introduced by B. Usher

HB 360, introduced by B. Hamlett

Conference Committee Report No.1 adopted:

4/25/2017

SB 333, introduced by M. Caferro

HB 133, introduced by N. McConnell

HB 434, introduced by K. Flynn

HB 562, introduced by C. Knudsen

Free Conference Committee Report No.1 adopted:

4/25/2017

SB 248, introduced by M. Blasdel

SB 363, introduced by C. Vincent

SB 366, introduced by J. Cohenour

HB 387, introduced by K. Wagoner

HB 462, introduced by F. Garner

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Swandal in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 5 - House Amendments - Senator Phillips moved House amendments to **SJ 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vincent, Vuckovich, Welborn, Whitford, Wolken.

Total 31

Nays: Blasdel, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Webb, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: Fielder, Hoven, Moore.

Total 3

SB 314 - Governor's Amendments - Senator Vincent moved Governor's amendments to **SB 314** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Brown, Hinkle.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Excused: Fielder, Hoven, Moore.

Total 3

Senator Fielder present at this time.

HB 367 - Governor's Amendments - Senator Vuckovich moved Governor's amendments to **HB 367** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr. President.

Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Whitford, Wolken.

Total 16

Absent or not voting: None.

Total 0

Excused: Hoven, Moore.

Total 2

SB 359 - Free Conference Committee Report No. 1 - Senator Blasdel moved the Free Conference Committee report to **SB 359** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr. President.

Total 37

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, McClafferty, Phillips, Pomnichowski, Sands, Smith F, Vuckovich.

Total 11

Absent or not voting: None.

Total 0

Excused: Hoven, Moore.

Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Chair Swandal moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.
Total 45

Nays: Boland, Cohenour, Gross.
Total 3

Absent or not voting: None.
Total 0

Excused: Hoven, Moore.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 4:30 p.m. this day. Motion carried. Senate recessed at 1:20 p.m.

Senate reconvened at 4:30 p.m., President Sales presiding. Forty-four members present. Senators Brown, Facey, Fielder, Hoven, Osmundson and Sesso excused.

MOTIONS

Senator Malek moved the Senate **suspend joint rule 40-200** to allow for late transmittal of **SB 168** from the House. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Gauthier, Gross, Hinkle, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Smith F, Vincent, Vuckovich, Whitford, Wolken.
Total 25

Nays: Blasdel, Connell, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Regier, Small, Smith C, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Mr. President.
Total 19

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Absent or not voting: None.

Total 0

Excused: Brown, Facey, Fielder, Hoven, Osmundson, Sesso.

Total 6

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 368 - Conference Committee Report No. 1 - Senator Richmond moved the Conference Committee report to **SB 368** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 41

Nays: Hinkle, Howard, Olszewski.

Total 3

Absent or not voting: None.

Total 0

Excused: Brown, Facey, Fielder, Hoven, Osmundson, Sesso.

Total 6

Senators Facey, Osmundson, and Sesso present at this time.

HB 639 - Free Conference Committee Report No. 1 - Senator Keenan moved the Free Conference Committee report to **HB 639** be **not** adopted.

HB 639 - Conference Committee Report No. 1 - Senator L. Jones made a **substitute motion** that the Conference Committee report to **HB 639** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas,

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Vuckovich, Welborn, Whitford, Wolken.

Total 32

Nays: Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 15

Absent or not voting: None.

Total 0

Excused: Brown, Fielder, Hoven.

Total 3

HB 639 - Conference Committee Report No. 1 -Committee report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 32

Nays: Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 15

Absent or not voting: None.

Total 0

Excused: Brown, Fielder, Hoven.

Total 3

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.

Total 40

Nays: Hinebauch, Howard, Keenan, Olszewski, Smith C, Swandal, Webb.

SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 25, 2017

Total 7

Absent or not voting: None.

Total 0

Excused: Brown, Fielder, Hoven.

Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 11:00 a.m., Wednesday, April 26, 2017, the eighty-sixth legislative day. Motion carried.

Senate adjourned at 4:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate